

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROJECTS FOR HABITAT ENHANCEMENT MAY NO LONGER BE FUNDED UNDER THE UPLAND GAME BIRD ENHANCEMENT PROGRAM; ALLOWING PROGRAM FUNDS TO BE SPENT FOR FOOD PLOTS; AMENDING SECTIONS 87-1-247, 87-1-248, AND 87-1-249, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-247, MCA, is amended to read:

"87-1-247. Authorized use of funds. (1) Not more than 15% of the money generated under 87-1-246 may be used by the department to:

(a) prepare and disseminate information to landowners and organizations concerning the upland game bird enhancement program;

(b) review potential upland game bird release sites;

(c) assist applicants in preparing management plans for project areas; and

(d) evaluate the upland game bird enhancement program.

(2) The remainder of the money raised must be used for releasing upland game birds in suitable habitat ~~and for the development, enhancement, and conservation of upland game bird habitat in Montana.~~

(3) (a) At least 15% of the funds collected under 87-1-246 must be set aside each fiscal year for expenditures related to upland game bird releases.

(b) At least 25% of the funds set aside for upland game bird release must be spent each year."

Section 2. Section 87-1-248, MCA, is amended to read:

"87-1-248. Qualification of upland game bird enhancement projects. (1) A project eligible for funding under the upland game bird release program must contain the proper combination of winter cover, food, nesting cover, and other upland game bird habitat components determined necessary to provide for establishment of a viable upland game bird population.

~~(2) A project eligible for funding under the habitat enhancement program must include assistance to~~

~~applicants in the establishment of suitable nesting cover, winter cover, or feeding areas through cost sharing, leases, or conservation easements.~~

~~(3)(2)~~ A project containing hunting preserves or any commercial hunting enterprise or in which hunting rights are leased or paid for is not eligible for funding.

~~(4)(3)~~ Preference must be given for project applications submitted by youth organizations, 4-H clubs, sports groups, and other associations of sufficient size to guarantee completion of all project requirements. However, individual landowners may also apply, as long as the land in the project area remains open to public hunting in accordance with reasonable use limitations imposed by the landowner.

~~(5) (a) Except when a greater amount, up to \$200,000, is authorized by the commission, a project may not receive more than \$100,000 in funds collected under 87-1-246.~~

~~—— (b) Total purchases of equipment, land, and buildings under the habitat enhancement program may not exceed \$25,000 for each project.~~

~~—— (c) The construction of wells, pipelines, or roads using funds collected under 87-1-246 is only allowed on a cost share basis, when the applicant pays at least 50% of the funded costs.~~

~~—— (d) Any equipment purchased with funds collected under 87-1-246 remains the property of the department.~~

~~—— (e) A shelterbelt may not be constructed within 400 feet of any residential building or building occupied by livestock.~~

~~(f)(4)~~ Funds collected under 87-1-246 may be expended for food plots and supplemental feeding programs that are authorized by the department.

(5) The department shall continue to monitor any habitat enhancement projects and contracts that remain active on [the effective date of this act], but no additional funds for habitat enhancement projects may be expended after [the effective date of this act]."

Section 3. Section 87-1-249, MCA, is amended to read:

"87-1-249. Rules. (1) The department shall adopt rules for the administration of the upland game bird enhancement program created in 87-1-246 through 87-1-249.

(2) The rules must:

~~(a) provide for eligibility criteria for project applications, including project evaluation criteria that incorporate the following factors:~~

1 ~~—— (i) proposed project acreage of suitable size;~~
2 ~~—— (ii) proposed project acreage and adjoining lands that are suitable for upland game bird habitat;~~
3 ~~—— (iii) evidence that existing and potential species will benefit from the project;~~
4 ~~—— (iv) the number of acres that will be open to and suitable for public bird hunting under the proposal; and~~
5 ~~—— (v) in addition to the criteria in subsections (2)(a)(i) through (2)(a)(iv), preference to proposed projects~~
6 ~~with:~~

7 ~~—— (A) longer contract length and larger landowner cost share;~~
8 ~~—— (B) lands with special or unique components, such as wetlands; and~~
9 ~~—— (C) a landowner history of providing hunter access and habitat enhancement;~~

10 ~~(b)(a)~~ be consistent with general requirements of the federal conservation reserve program, the
11 agricultural conservation program, the state hunter management program, and the state hunting access
12 enhancement program so that landowners who participate in those programs may also be eligible for participation
13 in the upland game bird enhancement program;

14 ~~(e)(b)~~ specifically indicate specifications under which upland game birds will be released in project areas,
15 including but not limited to:

- 16 (i) habitat requirements;
- 17 (ii) number of upland game birds to be released;
- 18 (iii) health requirements;
- 19 (iv) banding requirements;
- 20 (v) time for release;
- 21 (vi) age of birds to be released; and
- 22 (vii) reimbursement amount for each bird released;

23 ~~(d)(c)~~ establish application procedures for project funding and review and for approval or denial of
24 applications; and

25 ~~(e)(d)~~ establish project monitoring and reporting procedures, including a requirement that payments for
26 projects authorized pursuant to 87-1-247 be supported by contracts, invoices, receipts, or other supporting
27 documentation."

28
29 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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